

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

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**The Minutes**

**August 19 2002**

At 9:30 a.m., the court met in the Library & Courts Building to begin its court calendar session. Present: Blease, Acting Presiding Justice; Raye, Associate Justice; Callahan, Associate Justice; and Guzman, Bailiff. Calendar Called.

**C039556      LANDMARK INNOVATIVE INDUSTRIES, INC. v. SOUTHRUST BANK**  
Cause called. Donald M. Stevenson argued for appellant. Tracy K. Genesen argued for respondent. Cause submitted.

**C040152      THE PEOPLE v. WHALEY**  
Cause called. Jesse Witt, Deputy Attorney General, argued for appellant. Thomas Leupp argued for respondent. Cause submitted.

At 10:09 a.m., the court recessed. At 10:17 a.m., the court reconvened with Acting Presiding Justice Blease, Associate Justice Nicholson, and Associate Justice Morrison.

**C038408      REGIONAL PARKING, INC., et al. v. DEPARTMENT OF MOTOR VEHICLES et al.**  
Cause called. John A. Bachman, Deputy Attorney General, argued for appellants. Aaron R. Feldman argued for respondents. Cause submitted.

At 10:44 a.m., the court recessed. At 10:52 a.m., the court reconvened with Acting Presiding Justice Nicholson, Associate Justice Callahan, and Associate Justice Robie.

**C038340      ABRAMSON v. PLACER COUNTY OFFICE OF EDUCATION**  
Cause called. Sheri L. Leonard argued for appellant. James G. Carr argued for respondent and submitted additional citations. Cause submitted.

At 11:28 a.m., the court recessed. At 2:00 p.m., the court reconvened with Acting Presiding Justice Nicholson, Associate Justice Raye, and Associate Justice Callahan.

**C026793      MCMILILLIN et al. v. COUNTY OF SACRAMENTO et al.**  
Cause called. Robert F. Koehler, Jr. argued for appellants. Mary I. Melton argued for respondents. Cause submitted.

At 2:38 p.m., the court recessed. At 2:41 p.m., the court reconvened with Acting Presiding Justice Blease, Associate Justice Raye, and Associate Justice Callahan.

**C038103      CAMPBELL et al. v. ZUMBRUN & FINDLEY et al.**  
Cause called. Stephanie J. Finelli argued for appellants. Mark E. Ellis argued for respondents. Cause submitted.

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**August 19 2002, continued**

**C038302**      **CAMPBELL et al. v. MURPHY, PEARSON, BRADLEY & FEENEY et al.**  
Cause called. Stephanie J. Finelli argued for appellants. Betsy S. Kimball argued for respondents. Cause submitted.

At 4:00 p.m., the court recessed until 9:30 a.m., Tuesday, August 20, 2002.

**C038154**      **SGA, INC. v. BANKS-SHIPHAM, LTD.      (Not for Publication)**  
The judgment is affirmed as to the fourth and fifth causes of action. In all other respects, the judgment is reversed and the cause is remanded to the trial court for further proceedings. Banks-Shippam is entitled to its costs on appeal. (Cal. Rules of Court, rule 26 (a).)  
                                 SCOTLAND, P.J.  
We concur:      Morrison, J.  
                                 Callahan, J.

**August 20, 2002**

At 9:30 a.m., the court met in the Library & Courts Building to begin its court calendar session. Present: Scotland, Presiding Justice; Morrison, Associate Justice; Callahan, Associate Justice; and Facey, Bailiff. Calendar Called.

**C037153**      **RED INK MINING COMPANY et al. v. DeMARIA et al.**  
**C038281**      Cause called. Jay-Allen Eisen argued for appellants. Richard Keith Corbin argued for respondents. Cause submitted.

At 10:03 a.m., the court recessed. At 10:04 a.m., the court reconvened with Presiding Justice Scotland, Associate Justice Morrison, and Associate Justice Callahan.

**C039476**      **SHERRY v. ROSEVILLE TELEPHONE COMPANY et al.**  
Cause called. John P. Henderson argued for appellant. Mark I. Schickman argued for respondents. Cause submitted.

At 10:30 a.m., the court recessed. At 10:35 a.m., the court reconvened with Presiding Justice Scotland, Associate Justice Morrison, and Associate Justice Callahan.

**C039786**      **THERESA J. et al. v. THE SUPERIOR COUT OF SACRAMENTO COUNTY and DAVID J. et al.**  
Cause called. Jay-Allen Eisen argued for petitioners. Diana Ruiz, Deputy County Counsel, argued for real party in interest Health and Human Services. Michael B. Hansell, Elliot K. Sevier, Susan E. Diedrich, Theodore Garelis, Deputy Attorney General, and Lettie Young appeared only. Cause submitted.

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**August 20 2002, continued**

At 11:36 a.m., the court recessed. At 2:00 p.m., the court reconvened with Acting Presiding Justice Nicholson, Associate Justice Morrison, and Associate Justice Hull.

**C038927      AMEZQUITA v. ARCHULETA**

Cause called. Michael E. Barber argued for appellant. Roberta D. Archuleta argued for herself in pro per as respondent. Cause submitted.

At 2:13 p.m., the court recessed. At 2:14 p.m., the court reconvened with Acting Presiding Justice Nicholson, Associate Justice Morrison, and Associate Justice Hull.

**C039748      KERSTEN v. DENTAL BOARD OF CALIFORNIA**

Cause called. Timothy A. Kersten argued for himself in pro per as appellant. Jana L. Tuton, Deputy Attorney General, argued for respondent. Cause submitted.

At 2:16 p.m., the court recessed until 9:30 a.m., Wednesday, August 21, 2002.

**C037589      THE PEOPLE v. PIPER**

**(Not for Publication)**

The judgment is affirmed.

SIMS, J.

We concur:      Blease, Acting P.J.  
                         Nicholson, J.

**C037643      THE PEOPLE v. HERNANDEZ**

**(Not for Publication)**

The judgment is affirmed.

SCOTLAND, P.J.

I concur:      Morrison, J.

I concur in the result:

Callahan, J.

**C038252      THE PEOPLE v. DENARD**

**(Not for Publication)**

The judgment is affirmed.

DAVIS, J.

We concur:      Blease, Acting P.J.  
                         Kolkey, J.



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**August 21, 2002**

At 9:30 a.m., the court met in the Library & Courts Building to begin its court calendar session. Present: Blease, Acting Presiding Justice; Nicholson, Associate Justice; Hull, Associate Justice; and Guzman, Bailiff. Calendar Called.

**C036947      RIEDEL v. CAMPOS-RIEDEL**

Cause called. Kathryn A. Vaclavik argued for appellant. Kimberly A. Proctor appeared only. Donald Riedel argued for himself in pro per as respondent. Cause submitted.

**C037269      BECKMAN et al. v. COUNTY OF EL DORADO**  
**C037743**

Cause called. William C. Dresser argued for appellants. Franklin G. Gumpert argued for respondent. Cause submitted.

At 10:19 a.m., the court recessed. At 2:00 p.m., the court reconvened with Acting Presiding Justice Blease, Associate Justice Morrison, and Associate Justice Hull.

**C038618      In re JONATHAN K.; HUMAN SERVICES v. GARY F. et al.**

Cause called. Sharon Rollo, court appointed counsel, argued for appellant Glenda K. Christopher Blake, court appointed counsel, argued for appellant Gary F. Donald R. Langford, county counsel, argued for plaintiff-respondent. Mary Frances McHugh appeared only. Janice A. Jenkins, court appointed counsel, argued for respondent. Cause submitted.

**C039052      MOUNTAIN v. ALLSTATE INSURANCE COMPANY**

Cause called. Dale L. Sare argued for appellant. Sonia Renee Martin argued for respondent. Cause submitted.

At 3:01 a.m., the court recessed until 9:30 a.m., Friday, August 23, 2002.

**C039276      THE PEOPLE v. KELLEY**

**(Not for Publication)**

The judgment is affirmed.

RAYE, Acting P.J.

We concur:     Hull, J.

Robie, J.

**C039732      THE PEOPLE v. MAYS**

**(Not for Publication)**

Counts II through IX, inclusive, are dismissed. The trial court shall prepare an amended abstract of judgment showing these dismissals and shall forward a certified copy to the Department of Corrections. In all other respects, the judgment is affirmed.

SIMS, Acting P.J.

We concur:     Davis, J.

Morrison, J.



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**August 22, 2002**

- C036420      THE PEOPLE v. PERRY      (Not for Publication)**  
The convictions are affirmed. The matter is remanded to the trial court for resentencing.  
                                 HULL, J.  
We concur:      Blease, Acting P.J.  
                                 Kolkey, J.
- C036924      THE PEOPLE v. CAMPOS, JR.      (Not for Publication)**  
The judgment is affirmed. However, we direct the trial court to correct the abstract of judgment to reflect that defendant was sentenced to a concurrent three-year term for assault. We further direct the trial court to forward a certified copy of the corrected abstract to the Department of Corrections.  
                                 HULL, J.  
We concur:      Blease, Acting P.J.  
                                 Kolkey, J.
- C037863      THE PEOPLE v. CROSSWHITE      (Certified for Publication)**  
The order appealed from is affirmed.  
                                 SIMS, J.  
We concur:      Scotland, P.J.  
                                 Davis, J.
- C038421      THE PEOPLE v. LEWIS      (Not for Publication)**  
The judgment is affirmed.  
                                 HULL, J.  
We concur:      Scotland, P.J.  
                                 Raye, J.
- C039615      THE PEOPLE v. CLAY      (Not for Publication)**  
The judgment is affirmed.  
                                 HULL, J.  
We concur:      Blease, Acting P.J.  
                                 Morrison, J.
- C039916      THE PEOPLE v. THOMAS      (Not for Publication)**  
The judgment is affirmed.  
                                 HULL, J.  
We concur:      Scotland, P.J.  
                                 Robie, J.

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- C040033      THE PEOPLE v. BENITEZ      (Not for Publication)**  
The judgment is affirmed.  
                         HULL, J.  
We concur:      Scotland, P.J.  
                         Robie, J.
- C040052      THE PEOPLE v. HUNTLEY      (Not for Publication)**  
The judgment is affirmed.  
                         HULL, J.  
We concur:      Scotland, P.J.  
                         Robie, J.
- C040605      THE PEOPLE v. CISNEROS      (Not for Publication)**  
The judgment is affirmed.  
                         RAYE, J.  
We concur:      Sims, Acting P.J.  
                         Morrison, J.
- C036945      OLIVIERA-STANTON v. TRANSAMERICA MORTGAGE COMPANY      (Not for Publication)**  
We conclude the trial court did not err in finding Stanton possessed no interest in the mobile home. The judgment is affirmed.  
                         RAYE, J.  
We concur:      Sims, Acting P.J.  
                         Morrison, J.
- C038563      In re J.F.; PLACER COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. D.F.      (Not for Publication)**  
The judgment of disposition is affirmed.  
                         HULL, J.  
We concur:      Blease, Acting P.J.  
                         Kolkey, J.



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**August 22 2002, continued**

- C039707      In re EVVALINI P. et al.; DEPARTMENT OF HEALTH AND HUMAN SERVICES v. ELIZABETH P. (Not for publication)**  
The order of the juvenile court terminating parental rights is vacated, and the matter is remanded to the juvenile court with directions to conduct further inquiry regarding appellant's ancestry. The court must order DHHS to notify all of the tribes identified in the record of the pendency of the section 366.26 hearing. If any tribe determines the minors are Indian children or if other information is presented to the juvenile court that suggests the minors are Indian children, as defined by the Act, then the juvenile court is ordered to conduct a new section 366.26 hearing in conformity with all provisions of the Act. If the juvenile court determines, thereafter, that notice under the Act is served properly and no response is received from a tribe indicating that the minors are Indian children, all previous findings and orders shall be reinstated.  
NICHOLSON, J.  
We concur:    Scotland, P.J.  
                  Davis, J.
- C040409      In re PARADISE N.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. ZARDUS N. (Not for Publication)**  
The order terminating appellant's parental rights is affirmed.  
MORRISON, J.  
We concur:    Sims, Acting P.J.  
                  Raye, J.
- C041644      THACKER v. THE SUPERIOR COURT OF PLACER COUNTY and THACKER  
C041816      MAYO et al.**  
BY THE COURT:  
On the court's own motion, the above cases are consolidated. The cases are ordered consolidated for all further appellate procedures except that they will retain their respective case numbers. Whenever documents are submitted for filing by the parties, an original must be presented for each case number; however, if copies of documents are required pursuant to the California Rules of Court, the parties need only submit a maximum of four. The cases will be considered for decision together.  
BLEASE, Acting P.J.

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**August 23, 2002**

At 9:32 a.m., the court met in the Library & Courts Building to begin its court calendar session. Present: Davis, Acting Presiding Justice; Nicholson, Associate Justice; Morrison, Associate Justice; and Rios, Bailiff. Calendar Called.

**C037501 THE PEOPLE v. GABB**

Cause called. John L. Staley, court appointed counsel, argued for appellant. J. Robert Jibson, Deputy Attorney General, argued for respondent. Cause submitted.

At 9:41 a.m., the court recessed. At 9:44 a.m., the court reconvened with Acting Presiding Justice Blease, Associate Justice Davis, and Associate Justice Hull.

**C037691 HINOJOSA v. SACRAMENTO CITY UNIFIED SCHOOL DISTRICT et al.**

Cause called. Gaspar R. Garcia II argued for appellant. Elisa W. Ungerman argued for respondents. Cause submitted.

At 9:55 a.m., the court recessed. At 2:00 p.m., the court reconvened with Acting Presiding Justice Davis, Associate Justice Nicholson, and Associate Justice Morrison.

**C037975 BEEBE v. CITY OF GALT et al.**

Cause called. Duane S. Oliveria argued for appellant. Franklin G. Gumpert argued for respondents. Cause submitted.

At 2:25 p.m., the court recessed. At 2:27 p.m., the court reconvened with Acting Presiding Justice Blease, Associate Justice Davis, and Associate Justice Raye.

**C035386 ROAD SPRINKLER FITTERS LOCAL UNION NO. 669 v. G&G FIRE SPRINKLERS, INC.**

Cause called. Jon B. Eisenberg argued for appellant. Roger Frommer argued for respondents and submitted additional citations. Cause submitted.

At 3:02 p.m., the court recessed. At 3:06 p.m., the court reconvened with Acting Presiding Justice Blease, Associate Justice Raye, and Associate Justice Kolkey.

**C034127 MARIN HEALTHCARE DISTRICT, etc. v. SUTTER HEALTH, etc., et al.**

Cause called. Stephen S. Mayne argued for appellant. David T. Vanalek appeared only. Wendy L. Wyse argued for respondents Marin General Hospital et al. and submitted additional citations. Richard E. Brandt argued for respondent Sutter. Cause submitted.

At 4:00 p.m., the court recessed until 9:30 a.m., Monday, August 26, 2002.

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**August 23 2002, continued**

- C037653      THE PEOPLE v. FIGUERAS      (Not for Publication)**  
The judgment of conviction is affirmed.  
                    BLEASE, Acting P.J.  
We concur:     Sims, J.  
                    Robie, J.
- C038101      SCHNYDER et al. v. STATE BOARD OF EQUALIZATION      (Certified for Publication)**  
The judgment is affirmed. **(CERTIFIED FOR PUBLICATION.)**  
                    DAVIS, J.  
We concur:     Scotland, P.J.  
                    Robie, J.
- C039566      In re KEYANA G. et al.; SACRAMENTO COUNTY DEPARTMENT OF  
HEALTH AND HUMAN SERVICES v. TIFFINEY T. and EVELYN H.      (Not for Publication)**  
The orders of the juvenile court are affirmed.  
                    MORRISON, J.  
We concur:     Blease, Acting P.J.  
                    Davis, J.
- C041473      JULIE M.-L v. SUPERIOR COURT OF SAN JOAQUIN COUNTY and HUMAN  
SERVICES AGENCY et al.      (Not for Publication)**  
The petition is denied. The request for stay is denied as moot.  
                    NICHOLSON, Acting P.J.  
We concur:     Raye, J.  
                    Hull, J.